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Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/63/426)*]

63/241. Rights of the child

The General Assembly,

Recalling its previous resolutions on the rights of the child, the most recent of which is resolution 62/141 of 18 December 2007, and its resolution 62/140 of 18 December 2007, as well as Human Rights Council resolution 7/29 of 28 March 2008,[1]

Emphasizing that the Convention on the Rights of the Child[2] must constitute the standard in the promotion and protection of the rights of the child, and bearing in mind the importance of the Optional Protocols to the Convention,[3] as well as other human rights instruments,

Reaffirming the Vienna Declaration and Programme of Action,[4] the United Nations Millennium Declaration[5] and the outcome document of the twenty-seventh special session of the General Assembly on children, entitled "A world fit for children",[6] and recalling the Copenhagen Declaration on Social Development and the Programme of Action,[7] the Dakar Framework for Action adopted at the World Education Forum,[8] the Declaration on Social Progress and Development,[9] the Universal Declaration on the Eradication of Hunger and Malnutrition,[10] the Declaration on the Right to Development[11] and the Declaration of the

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[1] See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53* (A/63/53), chap. II.

[2] United Nations, *Treaty Series*, vol. 1577, No. 27531.

[3] Ibid., vols. 2171 and 2173, No. 27531.

[4] A/CONF.157/24 (Part I), chap. III.

[5] See resolution 55/2.

[6] Resolution S-27/2, annex.

[7] *Report of the World Summit for Social Development, Copenhagen, 6–12 March 1995* (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annexes I and II.

[8] See United Nations Educational, Scientific and Cultural Organization, *Final Report of the World Education Forum, Dakar, Senegal, 26–28 April 2000* (Paris, 2000).

[9] See resolution 2542 (XXIV).

[10] *Report of the World Food Conference, Rome, 5–16 November 1974* (United Nations publication, Sales No. E.75.II.A.3), chap. I.

[11] Resolution 41/128, annex.

commemorative high-level plenary meeting devoted to the follow-up to the outcome of the special session on children, held in New York on 11 to 13 December 2007,[12]

Recognizing the link between an improved situation for children and achieving the internationally agreed development goals, including the Millennium Development Goals, in particular those related to education, poverty eradication, gender equality, reduction of child mortality and global partnership for development, and welcoming in this context the outcomes of the high-level event on the Millennium Development Goals, held in New York on 25 September 2008,

Recognizing also the importance of the integration of child rights issues into the follow-up of the outcome documents of all major United Nations conferences, special sessions and summits,

Taking note with appreciation of the reports of the Secretary-General on progress made towards achieving the commitments set out in the outcome document of the twenty-seventh special session of the General Assembly[13] and on the status of the Convention on the Rights of the Child and the issues raised in Assembly resolution 62/141,[14] as well as the report of the Committee on the Rights of the Child,[15]

Recognizing the importance of incorporating a child-protection perspective across the human rights agenda, as highlighted in the 2005 World Summit Outcome,[16]

Welcoming the entry into force of the Convention on the Rights of Persons with Disabilities,[17] and the attention paid to children in this international instrument,

Noting with appreciation the attention paid to children in the International Convention for the Protection of All Persons from Enforced Disappearance,[18] and stressing the importance of its entry into force,

Noting with appreciation also the attention paid to children in the United Nations Declaration on the Rights of Indigenous Peoples,[19]

Profoundly concerned that the situation of children in many parts of the world remains critical, in an increasingly globalized environment, as a result of the persistence of poverty, social inequality, inadequate social and economic conditions, pandemics, in particular HIV/AIDS, malaria and tuberculosis, environmental damage, natural disasters, armed conflict, foreign occupation, displacement, violence, terrorism, abuse, trafficking in children and their organs, all forms of exploitation, commercial sexual exploitation of children, child prostitution, child pornography and child sex tourism, neglect, illiteracy, hunger, intolerance, discrimination, racism, xenophobia, gender inequality, disability and inadequate legal protection, and convinced that urgent and effective national and international action is called for,

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[12] See resolution 62/88.

[13] A/63/308.

[14] A/63/160.

[15] *Official Records of the General Assembly, Sixty-third Session, Supplement No. 41* (A/63/41).

[16] See resolution 60/1, para. 128.

[17] Resolution 61/106, annex I.

[18] Resolution 61/177, annex.

[19] Resolution 61/295, annex.

Reiterating that eradicating poverty is the greatest global challenge facing the world today and an indispensable requirement for sustainable development, in particular for developing countries, and recognizing that chronic poverty remains the single biggest obstacle to meeting the needs of and promoting and protecting the rights of children, and that urgent national and international action is therefore required to eliminate it,

Reaffirming that democracy, development, peace and security, and the full and effective enjoyment of all human rights and fundamental freedoms are interdependent and mutually reinforcing and contribute to the eradication of extreme poverty,

Reaffirming also the need for mainstreaming a gender perspective in all policies and programmes relating to children, and recognizing the child as a rights holder in all policies and programmes relating to children,

Bearing in mind that 2009 marks the twentieth anniversary of the adoption of the Convention on the Rights of the Child and the fiftieth anniversary of the adoption of the Declaration of the Rights of the Child,[20] which provided a foundation for the Convention, and considering that these anniversaries are suitable occasions for strengthening the efforts of Member States to promote the rights of the child,

I

Implementation of the Convention on the Rights of the Child and the Optional Protocols thereto

1. *Reaffirms* that the general principles of, inter alia, the best interests of the child, non-discrimination, participation and survival and development provide the framework for all actions concerning children, including adolescents;

2. *Urges* States that have not yet done so to become parties to the Convention on the Rights of the Child[2] and the Optional Protocols thereto[3] as a matter of priority and to implement them fully by, inter alia, putting in place effective national legislation, policies and action plans, strengthening relevant governmental structures for children and ensuring adequate and systematic training in the rights of the child for all those working with and for children, as well as ensuring child rights education for children themselves;

3. *Urges* States parties to withdraw reservations that are incompatible with the object and purpose of the Convention or the Optional Protocols thereto and to consider reviewing regularly other reservations with a view to withdrawing them in accordance with the Vienna Declaration and Programme of Action;[4]

4. *Calls upon* States to designate, establish or strengthen governmental structures for children, including, where appropriate, ministers in charge of child and youth issues and independent ombudspersons for children or other institutions for the promotion and protection of the rights of the child;

5. *Welcomes* the work of the Committee on the Rights of the Child, and calls upon all States to strengthen their cooperation with the Committee, to comply in a timely manner with their reporting obligations under the Convention and the

[20] See resolution 1386 (XIV).

Optional Protocols thereto, in accordance with the guidelines elaborated by the Committee, and to take into account its recommendations on the implementation of the Convention;

6. *Takes note with appreciation* of the initiatives undertaken by the Committee aimed at promoting a better understanding of and fuller compliance with the rights enshrined in the Convention, namely, through the organization of days of general discussion and the adoption of general comments;

7. *Requests* all relevant organs and mechanisms of the United Nations system regularly and systematically to incorporate a strong child rights perspective throughout all activities in the fulfilment of their mandates, as well as to ensure that their staff are trained in child rights matters, and calls upon States to continue to cooperate closely with all those organs and mechanisms, in particular the special rapporteurs and special representatives of the United Nations system;

8. *Encourages* States to strengthen their national statistical capacities and to use statistics disaggregated, inter alia, by age, gender and other relevant factors that may lead to disparities and other statistical indicators at the national, subregional, regional and international levels to develop and assess social policies and programmes so that economic and social resources are used efficiently and effectively for the full realization of the rights of the child;

II

Promotion and protection of the rights of the child and non-discrimination against children

Non-discrimination

9. *Calls upon* all States:

(*a*) To ensure the enjoyment by children of all their civil, cultural, economic, political and social rights without discrimination of any kind;

(*b*) To provide special support and ensure equal access to services for all children, noting with concern the large number of children who are among the victims of racism, racial discrimination, xenophobia and related intolerance, and stressing the need to incorporate special measures, in accordance with the principles of the best interests of the child and respect for his or her views and the child's gender-specific needs, in education programmes and programmes to combat such practices;

(*c*) To take all necessary and effective measures, including legal reforms where appropriate, to eliminate all forms of discrimination against girls and all forms of violence, including female infanticide and prenatal sex selection, rape, sexual abuse and harmful traditional or customary practices, including female genital mutilation, early marriage, marriage without the free and full consent of the intending spouses and forced sterilization, by enacting and enforcing legislation and, where appropriate, by formulating comprehensive, multidisciplinary and coordinated national plans, programmes or strategies to protect girls;

(*d*) To ensure the full and equal enjoyment of all human rights and fundamental freedoms by children with disabilities, in both the public and the private spheres, including by ensuring that the principle of the best interests of the child and the rights of children with disabilities are integrated into policies and programmes for children, including their rights to education, to the highest

attainable standard of physical and mental health and to protection from violence, abuse and neglect, and to develop and, where it already exists, enforce legislation to prohibit discrimination against them in order to ensure their inherent dignity, to promote their self-reliance and to facilitate their full and active participation and inclusion in their communities, taking into account the particular situation of children with disabilities who may be subject to multiple or aggravated forms of discrimination, including girls with disabilities and children with disabilities living in poverty;

10. *Urges* all States to respect and promote the right of girls and boys to express themselves freely, to ensure that their views are given due weight, in accordance with their age and maturity, in all matters affecting them and to involve children, including children with special needs, in decision-making processes, taking into account the evolving capacities of children and the importance of involving children's organizations and child-led initiatives;

11. *Also urges* all States in particular to strengthen the participation of children and adolescents in planning and implementation relating to matters that affect them, such as health, environment, education, social and economic welfare and protection against violence, abuse and exploitation;

Registration, family relations and adoption or other forms of alternative care

12. *Once again urges* all States parties to intensify their efforts to comply with their obligations under the Convention on the Rights of the Child[2] to preserve the child's identity, including nationality, name and family relations, as recognized by law, to allow for the registration of the child immediately after birth, to ensure that registration procedures are simple, expeditious and effective and provided at minimal or no cost and to raise awareness of the importance of birth registration at the national, regional and local levels;

13. *Encourages* States to adopt and enforce laws and improve the implementation of policies and programmes to protect children growing up without parents or caregivers, recognizing that, where alternative care is necessary, family- and community-based care should be promoted over placement in institutions, and in this context invites States to dedicate all their efforts, in a transparent process, with a view to possible action on the draft United Nations guidelines for the appropriate use and conditions of alternative care for children at the tenth session of the Human Rights Council;

14. *Calls upon* States to guarantee, to the extent consistent with the obligations of each State, the right of a child whose parents reside in different States to maintain, on a regular basis, save in exceptional circumstances, personal relations and direct contact with both parents by providing enforceable means of access and visitation in both States and by respecting the principle that both parents have common responsibilities for the upbringing and development of their children;

15. *Also calls upon* States to address and pay particular attention to cases of international parental or familial child abduction, and encourages States to engage in multilateral and bilateral cooperation to resolve those cases, preferably by accession to or ratification of the Hague Convention on the Civil Aspects of International Child Abduction,[21] and to comply fully with the Convention, and to

[21] United Nations, *Treaty Series*, vol. 1343, No. 22514.

facilitate, inter alia, the return of the child to the country in which he or she resided immediately before the removal or retention;

16. *Further calls upon* States to take all necessary measures to prevent and combat illegal adoptions and all adoptions that are not in the best interests of the child;

Economic and social well-being of children

17. *Calls upon* States and the international community to create an environment in which the well-being of the child is ensured, including by strengthening international cooperation in this field;

Eradication of poverty

18. *Calls upon* States to cooperate, support and participate in the global efforts for poverty eradication at the global, regional and country levels, recognizing that strengthened availability and effective allocation of resources are required at all these levels, in order to ensure that all the internationally agreed development and poverty eradication goals, including those set out in the United Nations Millennium Declaration,[5] are realized within their time framework, and reaffirms that investments in children and the realization of their rights are among the most effective ways to eradicate poverty;

19. *Reaffirms* that the primary responsibility for ensuring an enabling environment for securing the well-being of children, in which the rights of each and every child are promoted and respected, rests with each individual State;

20. *Calls upon* all States and the international community to mobilize all necessary resources, support and efforts to eradicate poverty, according to national plans and strategies and in consultation with national Governments, including through an integrated and multifaceted approach based on the rights and well-being of children, and to continue their efforts to realize the internationally agreed development and poverty eradication goals, including the Millennium Development Goals;

Right to education

21. *Recognizes* the right to education on the basis of equal opportunity and non-discrimination by making primary education compulsory and available free to all children, ensuring that all children have access to education of good quality, as well as making secondary education generally available and accessible to all, in particular through the progressive introduction of free education, bearing in mind that special measures to ensure equal access, including affirmative action, contribute to achieving equal opportunity and combating exclusion, and ensuring school attendance, in particular for girls and children from low-income families in order to achieve the objectives of Education for All, with the aim of realizing the millennium development goal aimed at achieving universal primary education;

22. *Welcomes* the work of the Special Rapporteur on the right to education, takes note of his report on the right to education in emergency situations,[22] recognizes that the right to education is to be respected at all times, and calls upon Member States to adopt legal and other measures to ensure that education is included in emergency preparedness plans;

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[22] A/HRC/8/10.

23. *Urges* Member States to implement strategies for the realization of the right to education as an integral element in the context of humanitarian assistance, with the support of the international community, the United Nations system, donors, multilateral agencies, the private sector, civil society and non-governmental organizations;

Right to the enjoyment of the highest attainable standard of health

24. *Calls upon* States:

(*a*) To take all necessary measures to ensure the right of the child to the enjoyment of the highest attainable standard of health and to develop sustainable health systems and social services, ensuring access to such systems and services without discrimination, paying special attention to adequate food and nutrition and combating disease and malnutrition, to access to safe drinking water and sanitation, to the special needs of male and female adolescents and to reproductive and sexual health, and securing appropriate prenatal and post-natal care for mothers, including measures to prevent mother-to-child transmission of HIV, and in this context to realize the millennium development goals aimed at reducing child mortality, improving maternal health and combating HIV/AIDS, malaria and other diseases;

(*b*) To assign priority to developing and implementing activities and programmes aimed at treating and preventing addictions, in particular addiction to alcohol and tobacco, and the abuse of narcotic drugs, psychotropic substances and inhalants;

(*c*) To support adolescents to be able to deal positively and responsibly with their sexuality in order to protect themselves from HIV/AIDS infection and to implement measures to increase their capacity to protect themselves from HIV/AIDS through, inter alia, the provision of health care, including for sexual and reproductive health, and through preventive education that promotes gender equality;

(*d*) To develop and implement strategies, policies and programmes that identify and address those factors that make individuals particularly vulnerable to HIV infection in order to complement prevention programmes that address activities that place individuals at risk for HIV infection, such as risky and unsafe behaviour and injecting drug use;

(*e*) To promote initiatives aimed at reducing the prices of antiretroviral drugs, especially second-line drugs, available to boys and girls, including bilateral and private sector initiatives, as well as initiatives on a voluntary basis taken by groups of States, including those based on innovative financing mechanisms that contribute to the mobilization of resources for social development, especially those that aim to provide further access to drugs at affordable prices to children in developing countries on a sustainable and predictable basis, and in this regard takes note of the International Drug Purchase Facility, UNITAID;

(*f*) To design and implement programmes to provide social services and support to pregnant adolescents and adolescent mothers, in particular by enabling them and also the adolescent fathers to continue and complete their education;

Right to food

25. *Expresses grave concern* at the worsening of the world food crisis, which seriously undermines the realization of the right to food for all, including mothers and children, and also expresses grave concern that this crisis threatens to further

undermine the achievement of the Millennium Development Goals and stresses that solutions need a comprehensive and multifaceted approach requiring short-, medium- and long-term and sustained actions;

26. *Calls upon* all States to take immediate steps to eliminate child hunger, including through the adoption or strengthening of national programmes to address food security and adequate livelihoods, as well as nutritional security, especially regarding vitamin A, iron and iodine deficiencies, the promotion of breastfeeding, as well as programmes, for example, school meal programmes, that should ensure adequate nutrition for all children;

Elimination of violence against children

27. *Condemns* all forms of violence against children, and urges all States:

(*a*) To take effective and appropriate legislative and other measures or, where it exists, to strengthen legislation to prohibit and eliminate all forms of violence against children in all settings;

(*b*) To respect fully the rights, human dignity and physical integrity of children and to prohibit and eliminate any emotional or physical violence or any other humiliating or degrading treatment;

(*c*) To give priority attention to the prevention of all forms of violence against children and to addressing its underlying causes and its gender dimension through a systematic, comprehensive and multifaceted approach, recognizing that witnessing violence, including domestic violence, also causes harm to children;

(*d*) To protect children from all forms of violence or abuse by all those who work with and for children, including in educational settings, as well as by Government officials, such as the police, law enforcement authorities and employees and officials in detention centres or welfare institutions;

(*e*) To establish complaint mechanisms that are confidential, age-appropriate, gender-sensitive and accessible to all children and to undertake thorough and prompt investigations of all acts of violence and discrimination;

(*f*) To take measures to ensure that all those who work with and for children protect children from bullying and implement preventive and anti-bullying policies in order to ensure a safe and supportive environment free from harassment and violence;

(*g*) To strive to change attitudes that condone or normalize any form of violence against children, including cruel, inhuman or degrading forms of discipline, harmful traditional practices and all forms of sexual violence;

(*h*) To take measures to promote constructive and positive forms of discipline and child development approaches in all settings, including the home, schools and other educational settings, and throughout care and justice systems;

(*i*) To end impunity for perpetrators of crimes against children and to investigate and prosecute such acts of violence and impose appropriate penalties, recognizing that persons convicted of violent offences against children, including sexual abuse, who continue to pose a risk of harm to children should be prevented from working with children;

(*j*) To establish and develop safe, well-publicized, confidential and accessible mechanisms to enable children, their representatives and others to report violence against children as well as to file complaints in cases of violence against

children, and to ensure that all victims of violence have access to appropriate confidential, child-sensitive health and social services, paying special attention to the gender-specific needs of girls and boys who are victims of violence;

(*k*) To address the gender dimension of all forms of violence against children and incorporate a gender perspective in all policies adopted and actions taken to protect children against all forms of violence, acknowledging that girls and boys face varying risks from different forms of violence at different ages and in different situations, and in this context recalls the agreed conclusions on the elimination of all forms of discrimination and violence against the girl child adopted by the Commission on the Status of Women at its fifty-first session;[23]

28. *Expresses deep concern* about the impact of all forms of sexual violence in situations of armed conflict and about the harm caused by witnessing sexual violence, reaffirms in this regard relevant resolutions of the General Assembly, the Economic and Social Council and the Human Rights Council, and notes with appreciation the attention paid to this issue in Security Council resolution 1820 (2008) of 19 June 2008;

29. *Condemns* all kinds of abduction of children, in particular extortive abduction and abduction of children in situations of armed conflict, including for their recruitment and use in armed conflict, and urges States to take all appropriate measures to secure their unconditional release, rehabilitation and reintegration and their reunification with their families;

30. *Urges* all States to strengthen international cooperation and mutual assistance to prevent and protect children from all forms of violence and to end impunity for crimes against children;

31. *Recognizes* the contribution of the International Criminal Court in ending impunity for the most serious crimes against children, including genocide, crimes against humanity and war crimes, and calls upon States not to grant amnesties for such crimes;

32. *Encourages* all States and requests United Nations entities, regional organizations and civil society, including non-governmental organizations, to continue to widely disseminate and follow up on the study on violence against children by the independent expert appointed by the Secretary-General[24] and to cooperate with the Special Representative of the Secretary-General on violence against children, once appointed, in promoting the implementation of the recommendations of the study, while promoting and ensuring country ownership and national plans and programmes in this regard;

33. *Expresses deep concern* about the delay in the appointment of the new mandate holder as requested by the General Assembly in its resolution 62/141, and requests the Secretary-General to comply fully with the request and to take urgent action to appoint, in accordance with the above-mentioned resolution, at the highest possible level and without delay, a Special Representative on violence against children;

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[23] *See Official Records of the Economic and Social Council, 2007, Supplement No. 7* (E/2007/27), chap. I, sect. A.

[24] See A/61/299 and A/62/209.

Promoting and protecting the rights of children, including children in particularly difficult situations

34. *Calls upon* all States to prevent violations of the rights of children working and/or living on the street, including discrimination, arbitrary detention and extrajudicial, arbitrary or summary executions, torture and all kinds of violence and exploitation, and to bring the perpetrators to justice, to adopt and implement policies for the protection, social and psychosocial rehabilitation and reintegration of those children and to adopt economic, social and educational strategies to address the problems of children working and/or living on the street;

35. *Also calls upon* all States to protect refugee, asylum-seeking and internally displaced children, taking into account their gender-specific needs, in particular those who are unaccompanied, who are particularly exposed to violence and risks in connection with armed conflict, such as recruitment, killing, maiming, sexual violence and exploitation, as well as trafficking, stressing the need for States as well as the international community to continue to pay more systematic and in-depth attention to the special assistance, protection and development needs of those children through, inter alia, programmes aimed at rehabilitation and physical and psychological recovery, and to programmes for voluntary repatriation and, where appropriate and feasible, local integration and resettlement, to give priority to family tracing and family reunification and, where appropriate, to cooperate with international humanitarian and refugee organizations, including by facilitating their work;

36. *Further calls upon* all States to ensure, for children belonging to minorities and vulnerable groups, including migrant children and indigenous children, the enjoyment of all human rights as well as access to health care, social services and education on an equal basis with others and to ensure that all such children, in particular victims of violence and exploitation, receive special protection and assistance;

37. *Calls upon* all States to ensure that any migration policies, including repatriation mechanisms, are in accordance with the best interests of the child and to take all necessary actions to ensure that unaccompanied migrant children and those who are victims of violence and exploitation receive special protection and assistance in accordance with international law;

38. *Also calls upon* all States to address, as a matter of priority, the vulnerabilities faced by children affected by and living with HIV, by providing support and rehabilitation to those children and their families, women and the elderly, particularly in their role as caregivers, promoting child-oriented HIV/AIDS policies and programmes and increased protection for children orphaned and affected by HIV/AIDS, pursuing all necessary efforts towards the goal of universal access to comprehensive prevention programmes, treatment, care and support by 2010 and intensifying efforts to develop new treatments for children, and building, where needed, and supporting the social security systems that protect them;

39. *Further calls upon* all States to protect, in law and in practice, the inheritance and property rights of orphans, with particular attention to underlying gender-based discrimination, which may interfere with the fulfilment of these rights;

40. *Encourages* States to promote actions, including through bilateral and multilateral technical cooperation and financial assistance, for the social reintegration of children in difficult situations, considering, inter alia, views, skills and capacities that those children have developed in the conditions in which they lived and, where appropriate, with their meaningful participation;

41. *Calls upon* States to protect all human rights of children in particularly difficult situations and to ensure that the best interests of the child are accorded primary consideration, and encourages the Committee on the Rights of the Child, the United Nations Children's Fund, other relevant United Nations bodies and mandate holders, within their respective mandates, to pay particular attention to the conditions of these children in all States and, as appropriate, to make recommendations to strengthen their protection;

42. *Recognizes* that the mass media and their organizations have a key role to play in raising awareness about the situation of children and the challenges facing them and that they should also play a more active role in informing children, parents, families and the general public about initiatives that promote and protect the rights of children and should also contribute to educational programmes for children;

Children alleged to have infringed or recognized as having infringed penal law

43. *Calls upon* all States:

(*a*) To abolish by law and in practice the death penalty and life imprisonment without possibility of release for those under the age of 18 years at the time of the commission of the offence, including by taking all necessary measures to comply with their obligations assumed under relevant provisions of international human rights instruments, including the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights;[7] and

(*b*) To keep in mind the safeguards guaranteeing protection of the rights of those facing the death penalty and the guarantees set out in United Nations safeguards adopted by the Economic and Social Council;

44. *Encourages* all States to develop and implement a comprehensive juvenile justice policy that includes, where appropriate, the introduction of alternative measures allowing for responses to juvenile delinquency without resorting to judicial procedures;

45. *Urges* States to take special measures to protect juvenile offenders, including the provision of adequate legal assistance, the training in juvenile justice of judges, police officers and prosecutors, as well as specialized defenders or other representatives who provide legal or other appropriate assistance, such as social workers, the establishment of specialized courts, the promotion of universal birth registration and age documentation and the protection of the right of juvenile offenders to maintain contact with their families through correspondence and visits, save in exceptional circumstances;

46. *Calls upon* all States to ensure that no child in detention is sentenced to forced labour or any form of cruel or degrading punishment or is deprived of access to and provision of health-care services, hygiene and environmental sanitation, education, basic instruction and vocational training;

[7] See resolution 2200 A (XXI), annex.

Children of persons alleged to have infringed or recognized as having infringed penal law

47. *Also calls upon* all States to give attention to the impact of parental detention and imprisonment on children and, in particular:

(*a*) To give priority consideration to non-custodial measures when sentencing or deciding on pretrial measures for a child's sole or primary caretaker, subject to the need to protect the public and the child, and bearing in mind the gravity of the offence;

(*b*) To identify and promote good practices in relation to the needs and physical, emotional, social and psychological development of babies and children affected by parental detention and imprisonment;

Prevention and eradication of the sale of children, child prostitution and child pornography

48. *Welcomes* the extension of the mandate of the Special Rapporteur on the sale of children, child prostitution and child pornography by the Human Rights Council;

49. *Also welcomes* the convening of the World Congresses against Sexual Exploitation of Children and Adolescents, including the Third World Congress, held from 25 to 28 November 2008 in Rio de Janeiro, Brazil, aimed at stimulating debate and mobilizing the efforts of the international community to eradicate the sexual exploitation of children and adolescents;

50. *Expresses deep concern* about the persistence of the practices of the sale of children, child slavery, commercial sexual exploitation of children, child prostitution and child pornography in many parts of the world, and calls upon all States:

(*a*) To criminalize and penalize effectively all forms of sexual exploitation and sexual abuse of children, including all acts of paedophilia, including within the family or for commercial purposes, child pornography and child prostitution, child sex tourism, trafficking in children, the sale of children and the use of the Internet and other information and communications technologies for these purposes, and to take effective measures against the criminalization of children who are victims of exploitation;

(*b*) To ensure the prosecution and punishment of offenders, whether local or foreign, by the competent national authorities, either in the country in which the crime was committed, in the country of which the offender is a national or resident, in the country of which the victim is a national, or on any other basis permitted under domestic law, and for these purposes to afford one another the greatest measure of assistance and the necessary collaboration for prevention, detection, investigations or criminal or extradition proceedings;

(*c*) To criminalize and penalize effectively the sale of children, including for the purposes of transfer of organs of the child for profit, to increase cooperation at all levels to prevent and dismantle networks trafficking in or selling children and their organs and, for those States that have not yet done so, to consider signing and ratifying or acceding to the Protocol to Prevent, Suppress and Punish Trafficking in

Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;[26]

(*d*) To give due consideration to the recommendations made by the Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children, in her report,[27] devoted to the subject of forced marriage in the context of trafficking in persons;

(*e*) In cases of trafficking in children, the sale of children, child prostitution, child pornography and child sex tourism, to address effectively the needs of victims, including their safety, legal assistance and protection, physical and psychological recovery and full reintegration into society, paying particular attention to their gender-specific needs, including through bilateral and multilateral technical cooperation and financial assistance;

(*f*) To combat the existence of a market that encourages such criminal practices against children, including through the adoption, effective application and enforcement of preventive, rehabilitative and punitive measures targeting customers or individuals who sexually exploit or sexually abuse children, as well as by ensuring public awareness;

(*g*) To give priority to the identification of norms and standards on the responsibilities of transnational corporations and other business enterprises, particularly those involved in information and communications technologies, related to respect for the rights of children, including the right to be protected from sexual abuse and exploitation, particularly in the virtual realm, as set out in the relevant legal instruments, and to outline basic measures to be taken for implementation;

(*h*) To mobilize public awareness, involving families and communities, with the participation of children, concerning the protection of children against all forms of sexual exploitation and abuse;

(*i*) To contribute to the prevention and elimination of the sale of children, child prostitution and child pornography by adopting a holistic approach, addressing the contributing factors, including underdevelopment, poverty, economic disparities, inequitable socio-economic structures, dysfunctional families, lack of education, urban-rural migration, gender discrimination, criminal or irresponsible adult sexual behaviour, child sex tourism, organized crime, harmful traditional practices, armed conflicts and trafficking in children;

(*j*) To take measures to eliminate the demand that fosters all forms of exploitation that leads to trafficking, including sexual exploitation and the sex tourism demand;

Children affected by armed conflict

51. *Strongly condemns* any recruitment or use of children in armed conflict contrary to international law, as well as other violations and abuses committed against children affected by armed conflict, and urges all States and other parties to armed conflict that are engaged in such practices to end them;

[26] United Nations, *Treaty Series*, vol. 2237, No. 39574.

[27] A/HRC/4/23 and Corr.1 and Add.1 and 2 and Add.2/Corr.1.

52. *Recalls*, in accordance with international humanitarian law, that indiscriminate attacks against civilians, including children, are prohibited and that they shall not be the object of attack, including by way of reprisal or excessive use of force, condemns such practices resulting in the killing and maiming of children, and demands that an end be immediately put to them;

53. *Urges* States, United Nations agencies, funds and programmes, other relevant international and regional organizations and civil society to give serious attention to all violations and abuses committed against children in situations of armed conflict;

54. *Calls upon* all States, relevant United Nations bodies and agencies and regional organizations to mainstream the rights of the child into all activities in conflict and post-conflict situations, to ensure adequate child protection training of their staff and personnel, including through the drafting and dissemination of codes of conduct, and to facilitate the participation of children in the development of strategies in this regard, inter alia, by ensuring that there are opportunities for children's voices to be heard and given due weight in accordance with the age and maturity of the child;

55. *Calls upon* States:

(*a*) To enhance complementarity and coordination of national policies and strategies related to security, development, human rights and humanitarian issues with a view to addressing the short-, medium- and long-term impacts of armed conflict on children in an effective, sustainable and comprehensive manner;

(*b*) When ratifying the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict,[28] to raise the minimum age for voluntary recruitment of persons into the national armed forces from that set out in article 38, paragraph 3, of the Convention, bearing in mind that under the Convention persons under 18 years of age are entitled to special protection, and to adopt safeguards to ensure that such recruitment is not forced or coerced;

(*c*) To take all feasible measures to ensure the demobilization and effective disarmament of children used in armed conflicts and to implement effective measures for their rehabilitation, physical and psychological recovery and reintegration into society, in particular through educational measures, taking into account the rights and the specific needs and capacities of girls;

(*d*) To ensure timely and adequate funding for national disarmament, demobilization and reintegration programmes for children and for settlement, rehabilitation and reintegration efforts for all children associated with armed forces and groups, including detained children, particularly in support of national initiatives, to secure the long-term sustainability of such efforts, including through the use of a multisectoral and community-based approach that is inclusive of all children, family-based care arrangements, as also highlighted in the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (the Paris Principles),[29] and the mobilization of financial resources and technical assistance from international cooperation for rehabilitation and reintegration programmes for children, including by making use of all international forums and conferences related to this matter, including the meetings in follow-up to the "Free Children from War" conference, held in Paris on 5 and 6 February 2007;

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[28] United Nations, *Treaty Series*, vol. 2173, No. 27531.

[29] Available from www.unicef.org.

(*e*) To undertake measures to ensure that children in situations of armed conflict enjoy all the rights enshrined in relevant international instruments, and that national authorities, with the support of the international community, as appropriate, take steps to ensure the delivery of basic services necessary for the survival of children in different areas, including health, education, nutrition, water, sanitation and psychosocial recovery;

(*f*) To encourage the involvement of young people in activities concerning the protection of children affected by armed conflict, including programmes for reconciliation, peace consolidation, peacebuilding and children-to-children networks;

(*g*) To protect children affected by armed conflict, in particular from violations of international humanitarian law and human rights law, and to ensure that they receive timely, effective humanitarian assistance, in accordance with international humanitarian law, including the Geneva Conventions of 12 August 1949,[30] and calls upon the international community to hold those responsible for violations accountable, inter alia, through the International Criminal Court;

(*h*) To take all feasible measures, in accordance with international humanitarian law and human rights law, as a matter of priority, to prevent the recruitment and use of children by armed groups, as distinct from the armed forces of a State, including the adoption of policies that do not tolerate such practices and legal measures necessary to prohibit and criminalize them;

(*i*) To support relevant existing internationally agreed mechanisms established to address the issue of children in armed conflict that contribute to the roles, responsibilities and capacities of national Governments in this field;

56. *Takes note* of the updating of the Cape Town Principles on child soldiers,[31] which led to the Paris Principles, encourages Member States to consider using the Paris Principles to inform their work in protecting children from the effects of armed conflicts, and requests the relevant entities of the United Nations system, within their mandates, and invites civil society to assist Member States in this field;

57. *Calls upon* all States and relevant United Nations bodies to continue to support, as appropriate, national and international mine action efforts, including with regard to cluster munitions and other unexploded ordnance;

58. *Condemns in the strongest terms* rape and sexual violence committed against children in armed conflict, expresses deep concern at mass and systematic rape and sexual violence committed against children in armed conflict, in some instances calculated to humiliate, dominate, instil fear and disperse and/or forcibly relocate a population, calls upon all States and relevant United Nations bodies and agencies and regional organizations to address this issue, as well as the issue of sexual exploitation and abuse of children in United Nations peacekeeping operations, and urges States to adopt appropriate national legislation and to ensure rigorous investigation and prosecution of such crimes;

59. *Reaffirms* the essential roles of the General Assembly, the Economic and Social Council and the Human Rights Council for the promotion and protection of the rights and welfare of children, including children affected by armed conflict, and notes the increasing role played by the Security Council in ensuring protection for children affected by armed conflict;

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[30] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

[31] See E/CN.4/1998/NGO/2.

60. *Notes with appreciation* the steps taken regarding Security Council resolution 1612 (2005) of 26 July 2005 and the efforts of the Secretary-General to implement the monitoring and reporting mechanism on children and armed conflict in accordance with that resolution, with the participation of and in cooperation with national Governments and relevant United Nations and civil society actors, including at the country level, as well as the work carried out by United Nations child protection advisers in peacekeeping operations;

61. *Takes note with appreciation* of the work of the Special Representative of the Secretary-General for Children and Armed Conflict, recognizes the increased level of activity of her office and the progress achieved since the establishment of the mandate of the Special Representative, and, bearing in mind its resolution 60/231 of 23 December 2005, recommends that the Secretary-General extend the mandate of the Special Representative for a further period of three years;

62. *Also takes note with appreciation* of the report of the Special Representative[32] and of the significant developments and achievements in the protection of children in armed conflict at the national and international levels, and emphasizes the contribution of her field visits conducted with the consent of the State concerned in situations of armed conflict as an important element in the implementation of her mandate;

63. *Recognizes* the need for discussion on the issues raised in the report of the Special Representative, calls upon Member States and observers and invites relevant entities of the United Nations system as well as civil society, as appropriate, to carefully study the recommendations contained therein, and stresses the need for the views of Member States to be fully taken into account in this regard;

III

Child labour[33]

64. *Expresses deep concern* about the fact that about 218 million children in the world today are involved in child labour, and that more than half of those children are involved in hazardous work that is damaging to their safety, mental and physical health or moral development, including in hazardous activities in agriculture, mining and domestic labour, or in the worst forms of child labour, such as child pornography and sexual exploitation, sale and trafficking in children, forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict, and different forms of slavery or practices similar to slavery;

65. *Recognizes* that a comprehensive and coherent approach to preventing and eradicating child labour must aim at poverty eradication, sustainable development and the provision of quality education and social protection measures, including protection against economic exploitation; special attention should be given to preventing any work that is likely to be hazardous, to interfere with the child's education or to be harmful to the child's health or physical, mental, spiritual, moral or social development so as to respond to the multidimensional reality of child labour;

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[32] A/63/227.

[33] As defined by the Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182) of the International Labour Organization.

66. *Also recognizes* that the prevention and eradication of child labour and action towards the achievement of the Millennium Development Goals, in particular those related to education, poverty eradication, gender equality and global partnership for development, mutually reinforce each other;

67. *Further recognizes* that, given the role of the family environment in the full and harmonious development of the child and in preventing and eradicating child labour, children and their families should be entitled to receive comprehensive protection and support;

68. *Recognizes* that child labour contributes to the perpetuation of poverty and remains a central obstacle to realizing the right of all children to education and to protection from violence, abuse and exploitation and that education, at the same time, including literacy and adult education initiatives within the framework of international and regional cooperation, is a key element in preventing and eradicating poverty and child labour;

69. *Takes note with appreciation* of the establishment of the Global Task Force on Child Labour and Education for All by a number of relevant organizations of the United Nations system and civil society representatives and of the effort to integrate more closely work on tackling child labour and promoting education for all children;

70. *Urges* all States that have not yet ratified the Convention concerning Minimum Age for Admission to Employment, 1973 (Convention No. 138) and the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (Convention No. 182) of the International Labour Organization to consider doing so as a matter of priority;

71. *Recognizes* the decisive role of employers' and workers' organizations in the prevention and eradication of child labour and that their continuous commitment and engagement remain essential;

72. *Also recognizes* the prevalence of violence against children in many work settings, including physical punishment, humiliation and sexual harassment, including in the context of unregulated domestic work, and encourages the International Labour Organization to pay particular attention to violence against children in work settings, including the issue of domestic work;

73. *Calls upon* all States to translate into concrete action their commitment to the progressive and effective elimination of child labour that is likely to be hazardous or to interfere with the child's education or to be harmful to the child's health or physical, mental, spiritual, moral or social development, to eliminate immediately the worst forms of child labour, to promote education as a key strategy in this regard, including the creation of vocational training and apprenticeship programmes and the integration of working children into the formal education system, and to examine and devise economic policies, where necessary, in cooperation with the international community, that address factors contributing to these forms of child labour;

74. *Also calls upon* all States:

(*a*) To elaborate and implement strategies for the prevention and elimination of child labour contrary to accepted international standards, including time-bound strategies for the immediate elimination of the worst forms of child labour, and for the protection of children from all forms of economic exploitation, giving special attention to specific dangers faced by girls and by boys;

(*b*) To increase the focus on access to quality education as a way to help attract and keep children in school, including by emphasizing the goal of a well-trained teaching force with appropriate salaries and working and living conditions and ongoing professional support for children in educational settings, as well as increasing access to information and communications technologies for schools, and calls upon the international community to provide cooperation in these fields;

(*c*) To assess and systematically examine the magnitude, nature and causes of child labour and to strengthen the collection and analysis of data on child labour, giving special attention to specific dangers faced by girls;

(*d*) To take concrete measures for the rehabilitation and social integration of children removed from situations involving the worst forms of child labour by, inter alia, ensuring access to education and social services;

(*e*) To take appropriate steps to assist one another in the elimination of the worst forms of child labour through enhanced international cooperation and/or assistance, including support for social and economic development, poverty eradication programmes and universal education;

(*f*) To promote policies and legislation aimed at addressing national priorities relating to the prevention and eradication of child labour through family-centred components of policies and programmes as part of an integrated comprehensive approach to development, bearing in mind equality between women and men;

(*g*) To ensure that the applicable requirements of the International Labour Organization for the employment of girls and boys are respected and effectively enforced, to ensure also that girls who are employed have equal access to decent work and equal pay and remuneration, and are protected from economic exploitation, discrimination, sexual harassment, violence and abuse in the workplace, are aware of their rights and have access to formal and non-formal education, skills development and vocational training, and to raise government and public awareness as to the nature and scope of the special needs of girls, including migrant girls, employed as domestic workers and of those performing excessive domestic chores in their own households;

(*h*) To put in place programmes and social protection systems, guided by the principle of the best interests of the child, to support and protect migrant children, especially the girl child, who are vulnerable to child labour, including the worst forms of child labour;

(*i*) To develop gender-sensitive measures, including national action plans, where appropriate, to eliminate child labour, including the worst forms of child labour, including commercial sexual exploitation, slavery-like practices, forced and bonded labour, trafficking and hazardous forms of child labour, and to ensure that children have access to education and vocational training, health services, food, shelter and recreation;

75. *Urges* all States to pursue a national policy designed to ensure the effective eradication of child labour, and encourages those States that have not yet done so to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons;

76. *Calls upon* all States and the United Nations system to strengthen international cooperation as a means of assisting Governments in ensuring the realization of the rights of the child and in attaining the objective of eradicating child labour contrary to accepted international standards;

77. *Calls upon* all States to protect children from all forms of economic exploitation by mobilizing national partnerships and international cooperation, to improve the conditions of children by, inter alia, providing working children with free basic education and vocational training and integrating them into the education system in every way possible, and to encourage support for social and economic policies aimed at poverty eradication and at providing families, particularly women, with employment and income-generating opportunities;

78. *Calls upon* the international community to promote international cooperation to assist developing countries, upon request, in addressing child labour and its root causes, inter alia, through social and economic policies aimed at poverty eradication, while stressing that labour standards should not be used for protectionist trade purposes;

79. *Calls upon* States and the international community to mainstream action relating to child labour into national poverty eradication and development efforts, especially in policies and programmes in the areas of health, education, employment and social protection;

80. *Welcomes* the efforts of the Committee on the Rights of the Child in the area of child labour, and encourages the Committee, as well as other relevant human rights treaty bodies, within their respective mandates, to continue to monitor this growing problem when examining the reports of States parties;

IV

Follow-up

81. *Decides*:

(*a*) To request the Secretary-General to submit to the General Assembly at its sixty-fourth session a report on the rights of the child containing information on the status of the Convention on the Rights of the Child[2] and the issues addressed in the present resolution, with a focus on international efforts and national progress in tackling child labour and progress towards meeting the target of eliminating the worst forms of child labour by 2016, as agreed in the context of the International Labour Organization;

(*b*) To request the Special Representative of the Secretary-General for Children and Armed Conflict to continue to submit reports to the General Assembly and the Human Rights Council on the activities undertaken in discharging her mandate, including information on her field visits, and on the progress achieved and the challenges remaining on the children and armed conflict agenda;

(*c*) To invite the Chairperson of the Committee on the Rights of the Child to present an oral report on the work of the Committee to the General Assembly at its sixty-fourth session as a way to enhance communication between the Assembly and the Committee;

(*d*) To invite all Member States, organizations of the United Nations system, non-governmental organizations and individuals to observe the twentieth anniversary

of the adoption of the Convention and to request the Secretary-General to take the measures necessary, within existing resources, for the observance of this anniversary by the United Nations;

(*e*) To continue its consideration of the question at its sixty-fourth session under the item entitled "Promotion and protection of the rights of children", focusing section III of the resolution on the rights of the child on "The right of the child to express his or her views freely in all matters affecting him or her".

74th plenary meeting
24 December 2008